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November 24, 2003

The Honorable Benson E. Legg
United States District Court
for the District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201

Re: Civil No.: B-01-103
Garcia, et al v. Kirstien, et al.

Dear Judge Legg:

This letter is in response to the Court's letter of November 17, 2003.

1. Plaintiffs answered all interrogatories of all defendants in April 2003; Plaintiffs' responses were factually detailed, comprising approximately 68 pages.
2. Defendant Habeck was mistaken when he said that Plaintiffs had not responded to his interrogatories. Plaintiffs' responses were completed and sent in April 2003. Indeed Plaintiffs responses were discussed during a late summer 2003 discovery meeting among the lawyers for all parties, including Habeck's prior lawyer who stated that he had read the 68-page answer to interrogatories. I am sure that this mistake is due to Habeck's recent change in counsel.
3. Plaintiffs produced all their documents to all defendants in April 2003.
4. No experts have yet been identified but in view of the soon to be completed document discovery from Defense, experts can be promptly identified by Plaintiffs within seven working days. The attorney for Defendants Kirstien and Rothstein agrees that he should be able to identify experts within seven working days after that.
5. The depositions that are needed are the five parties, as to which there has been general agreement, and can be completed by the proposed discovery deadline.
6. The only other deposition is of U. S. Foodservice and its predecessor in interest, J. P. Foodservice, and that deposition was for the purpose of obtaining documents from a third-party. That deposition will also be resolved before the proposed discovery deadline.

Respectfully submitted,

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/s/

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